

ARTICLE VI

POWERS OF THE COUNCIL

Section 601. General Powers

The Council shall have the power to pass all such ordinances or take other actions not contrary to the Constitution of the United States and the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town; for the protection and preservation of property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, and welfare, of the residents and visitors of the Town.

Section 602. Specific Powers

(a) The Council shall have, in addition, the power to pass ordinances not contrary to the Constitution of the United States and the laws and Constitution of Maryland, for the specific purposes provided in the remaining subsections of this section.

- (1) Administrative. To create, change or abolish offices and departments and to assign additional functions to offices and abolish or discontinue any office or department or to transfer any function of an office or department established by this charter.
- (2) Advertising. To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.
- (3) Amusements. To provide in the interest of the public welfare for licensing, or regulating theatrical or other public amusements.
- (4) Animals. To regulate the keeping of animals in Town and to provide for the licensing of them; to provide for the disposition of homeless animals on which no license fee is paid.
- (5) Appointments. To approve by majority vote the appointment by the Mayor of those officials described in Article IX, Section 906.
- (6) Appropriations. To appropriate municipal money for any purpose within the powers of the Council.
- (7) Billboards and Signs. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the Town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the Town.

- (8) Bridges. To erect and maintain bridges.
- (9) Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for the same; to formulate a building code, and to approve the appointment of a building inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.
- (10) Code Enforcement. To enforce within the municipal limits of the Town the various Town, county and state codes, including but not limited to the health, building, housing, electrical, plumbing, fire and other codes, subject to any restrictions of the laws of the State of Maryland and Montgomery County; and to enforce the licensing provisions of the town, county and state within the municipal limits of the Town.
- (11) Cemeteries. To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.
- (12) Codification. To provide for the codification of all ordinances which have been or may hereafter be passed.
- (13) Community Services. To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.
- (14) Intergovernmental Activities. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.
- (15) Dangerous Conditions. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.
- (16) Departments. To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional functions or duties of offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

- (17) Finances. To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have management accounting oversight of the finances of the Town; to appropriate municipal monies for any purpose within the powers of the Mayor and Council; to borrow money in accordance with the provisions of this charter.
- (18) Franchises. To grant and regulate franchises to water companies, electric light companies, telegraph and telephone companies, transit companies, taxicab companies, cable television systems (following current FCC regulations) and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.
- (19) Garbage. To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require waste or hazardous waste materials to be removed to designated points, and to require the occupants of the premises to place them conveniently for removal.
- (20) Grants-in-Aid. To accept gifts and grants of Federal or State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.
- (21) Hawkers. To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets within the Town, and to revoke such licenses for cause.
- (22) Health. To protect and preserve the health of the Town and its inhabitants; to approve the appointment of a public health officer, and to define and regulate the powers and duties of the office.
- (23) Licenses. Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.
- (24) Liens. To provide that any valid charges, taxes or assessments made against any real property within the Town shall be liens upon such property, to be collected as municipal or property taxes are collected.
- (25) Lights. To provide for the lighting of the Town.

- (26) Markets. To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the Town.
- (27) Public Improvements. To make and maintain public improvements and to acquire property within the corporate limits necessary for such improvements.
- (28) Public Privileges. To regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks posting handbills and advertisements, and display of goods, wares and merchandise.
- (29) Noise. To regulate or prohibit unreasonable noise.
- (30) Nuisances. To prevent or abate by appropriate ordinance all nuisances in the Town which are so defined as common law, by this Charter, by the laws of the State of Maryland, or Montgomery County whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, or injurious to the public comfort or health. In this connection the Town may regulate, prohibit, control the location of or require the removal from the Town of such things as cattle or hog pens, tanneries, or renderies. This listing is by way of enumeration, not limitation.
- (31) Obstructions. To remove all nuisances and obstructions for the streets, lanes and alleys from any lots adjoining thereto, or any other places within the limits of the town.
- (32) Parking Facilities. To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.
- (33) Parking Meters. To install parking meters on the streets and public places of the Town in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Highway Administration of Maryland must first be approved by the administration.

- (34) Parks and Recreation. To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town.
- (35) Police Force. To establish, operate, and maintain a police force. The police force may maintain a station lock-up facility for temporary confinement of violators of the law.
- (36) Police Powers. To prohibit, suppress, and punish within the Town all vice, gambling, and games of chance; prostitution and solicitation therefore and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.
- (37) Property. To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty-eight (28) days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.
- (38) Regulations. To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.
- (39) Sidewalks. To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalk in front thereof free from snow or other obstruction.
- (40) Streets. To construct, maintain and improve the streets and to control the public ways of the Town.
- (41) Voting Machines. To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

(b) Enumeration not exclusive. The enumeration of powers in this section is not to be construed as limiting the powers of the Council to the several subjects mentioned.

Section 603. Exercise of Powers

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter, the Council may pass all necessary ordinances or take such other actions as appropriate. All the powers of the Council shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed then in such manner as may be prescribed by ordinance.

Section 604. Enforcement of Ordinances

To assure the observance of the ordinances of the Town, the Council has such powers as are provided by State law. The Council may provide that, if the violation is of a continuing nature and is persisted in, a penalty for one violation shall not be a bar to a penalty for a continuation of the offence subsequent to the first or any succeeding penalty.